

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Israel Garcia,
a/k/a "Shorty Rock,"

Defendant.

[Proposed] 3500 Protective Order

S1 21 Cr. 412 (JSR)

Upon the application of the United States of America, Damian Williams, United States Attorney for the Southern District of New York, by and through Micah Fergenson and Jacob Gutwillig, Assistant United States Attorneys, of counsel, for an order precluding the dissemination of material produced pursuant to 18 U.S.C. § 3500, *Giglio v. United States*, 405 U.S. 150 (1972), and the Government's general disclosure obligations ("3500 Material"), in connection with the trial that is scheduled to begin March 14, 2022 in this matter (the "Trial"), and providing additional protections to a designated subset of the 3500 Material which has been classified "Attorney's Eyes Only" or "Attorney's Ears Only" (collectively, the "Attorney's Eyes Only 3500 Material");

Whereas, (i) certain of the 3500 Material will contain sensitive information that impacts the safety of witnesses and members of their families; and (ii) Israel Garcia, by and through counsel, consents to the entry of this Order, the Court finds that there is good cause for the requested relief, IT IS HEREBY ORDERED that:

- (1) the defendant and his defense team shall not show or disseminate any of the 3500 Material to anyone other than the defendant, defense counsel, and any paralegal or staff employed by the defense;

(2) that the defendant shall not possess any of the 3500 Material, either before, during, or after the Trial, except when reviewing the 3500 Material in the presence of counsel, or any paralegal or staff employed by the defense;

(3) any 3500 Material having been clearly designated as “Attorney’s Eyes Only 3500 Material,” including any copies thereof or excerpts therefrom, or any information contained therein, shall not be disclosed to or possessed by the defendant, and may be disclosed only to defense counsel and to any paralegal or staff employed by the defense, until one week before the scheduled start of the Trial or at earlier date by designation of the Government, whereupon the Attorney’s Eyes Only 3500 Material shall be afforded the same protections as 3500 Material;

(4) defense counsel must destroy or return to the Government all 3500 Material (and any copies thereof) at the conclusion of the trial of this matter or when any appeal has become final; and

(5) defense counsel may seek authorization of the Court, with notice to the Government, to provide certain specified materials to persons whose access to such materials is otherwise prohibited by this Order, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case.

SO ORDERED:

Dated: New York, New York
February 18, 2022



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK